

A

# DECLARATION

FROM

HIS EXCELLENCIE  
S<sup>r</sup>. Thomas Fairfax,  
And his Councell of Warre.

Concerning their proceeding in the  
Proposalls, prepared and agreed on by the Coun-  
cell of the Armie, to be rendred to the Com-  
missioners of *Parliament*, residing in the Ar-  
my, and with them to be treated on by the  
Commissioners of the Army.

TOGETHER WITH

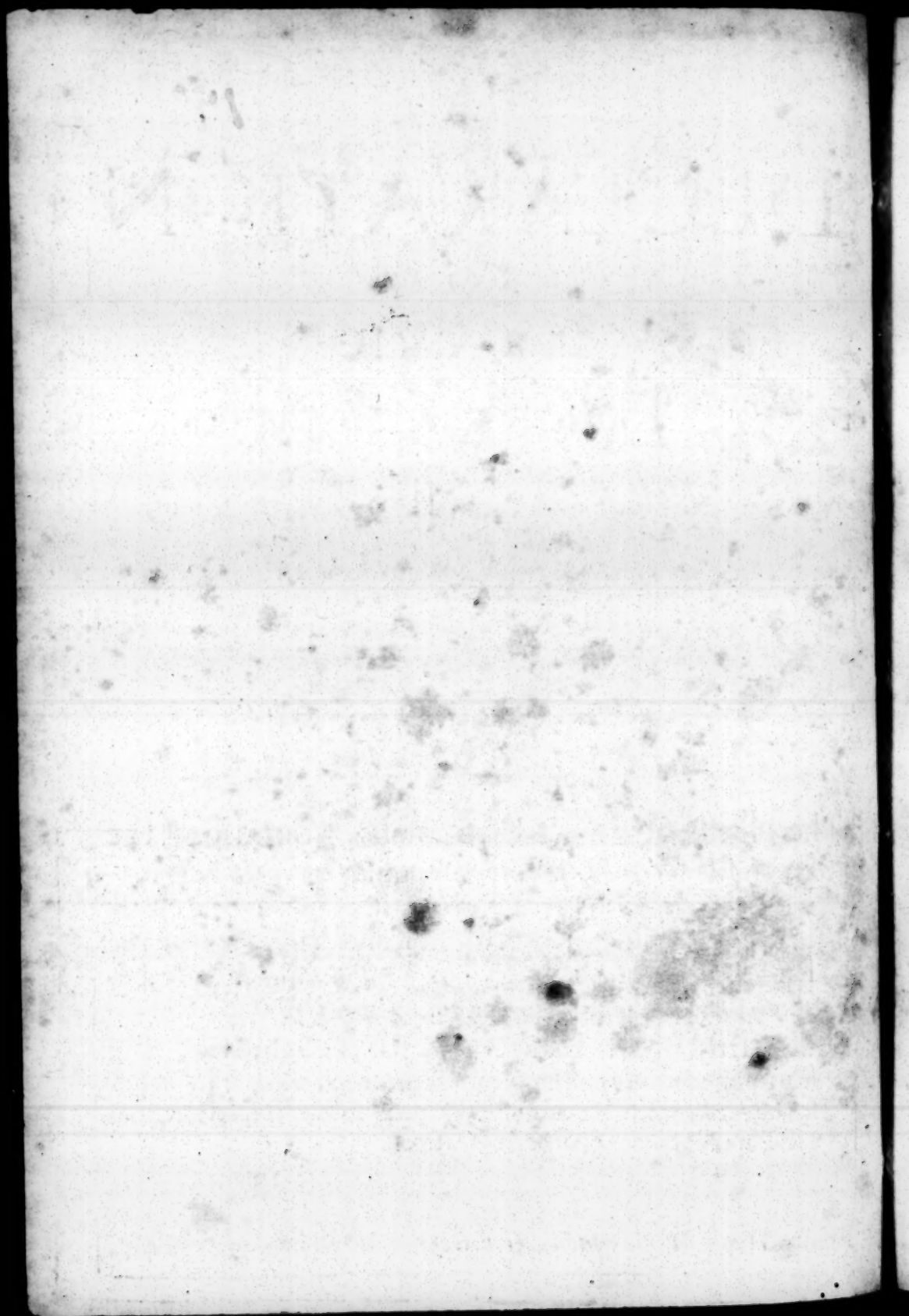
The Heads of the said Proposalls, containing the  
particulars of their desires, in pursuance of their for-  
mer Declarations and Papers, in order to the clear-  
ing, and securing of the Rights, and Liberties of the  
Kingdome, and the settling of a just and lasting Peace.

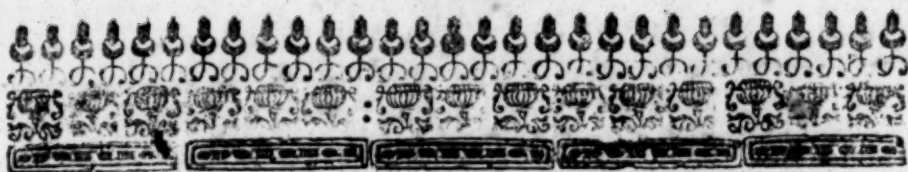
TO WHICH ARE ADDED

Some further particular desires, for the removing, and  
redressing of divers present pressing grievances, being also compr-  
ised in, or in necessarie pursuance of their former Representations  
and Papers appointed to be treated upon.

L O N D O N;

Printed by *M. Simmons*, for *George Whittington*. 1647.





# A Declaration

FROM HIS EXCELLENCY

S<sup>ir</sup> THO: FAIRFAX,

And his Councell of Warre.

*Concerning the Proposalls of the Army  
for setling of a peace, and the grounds  
of publishing the Heads thereof.*



Ince our drawing back to *Reading*, wee have applyed our selves with all diligence to frame, and hasten an intire body of all the particular Proposalls, which wee would tender to the Commissioners of Parliament residing with the Army, to be treated on in pursuance of those generall desires, exprest in our former Declarations and Papers, for the securing of the Common Rights, and Liberties, and a present setling of the peace of the Kingdome. In which businesse, (notwithstanding the many interruptions and disturbances, with daily advertisements of the indirect and treacherous practises and

preparations of the Committee of *Militia*, and others in and about the Citie of *London*, and elsewhere, tending to a new Warre have occasioned, to the diverting or retarding of our proceeding therein, yet,) wee have made a progresse as speedy as the nature and weight of such a worke would admit, and having finished the same, wee have delivered in, an abstract of the Heads thereof unto the said Commissioners of Parliament to be treated upon.

But the late pernicious Engagement set on foote in the Citie, and (much more,) that prodigious violence done to both Houses of Parliament on Munday last, having wholly taken us off for present, and rendred all proceeding in the way of Treatie thereupon meerly vaine and hopelesse, untill it shall please God, the Parliament be righted and vindicated against that violation done to it, and restored into a Condition of freedome, so as the unquestioned Members of it may repaire together with safetie, and proceed according to their just freedome. Wee have thought good in the meane time to make this publike tender of the Heads of the Proposals to the Consideration of the whole Kingdome, wherein though all circumstances requisite to be determined in an actual settlement, be not so fully and perfectly expressed, as upon the Treaty intended (if not interrupted, as before,) they might speedily have been, yet all men may see and understand in these the effect and bottome of our desires, whereupon wee have sincerely studied, that a present peace might be settled; which same thing, (with and after such vindication of the Parliament, as may againe render it into a capacitie to establish the same,) wee shall still faithfully endeavour to the utmost of our powers, and accordingly shall expect the chearfull and heartie concurrence of all those who are or shall be satisfied, concerning the integritie of our intentions to the peace and welfare of the Kingdome in these Proposals, or who shall (for the maine) desire or approve of the same things with us in order to a settlement.

And to these Proposals which wee here first tender as necessary to a Peace, and upon which wee desire the seale of peace, (in the restitution of his Majesty and others to their Rights, and in



an Act of Oblivion to be past,) wee cannot but adde the further  
 expression of our desires in some other particulars, which (though  
 not so essentiall to peace, as necessarily to precede the settling of  
 it, yet) being matters of very publique, and (most of them) of  
 generall grievance to the Kingdome ( which wee every where  
 finde the Out-cryes of,) and being contained in, or pursuance of  
 the same things expressed in our former Representations, and  
 Papers: Wee shall desire, That (the Parliament being set free)  
 no time may be lost for a speedy Consideration of them, so as  
 the former things for the present settling of peace be not delayed  
 thereby.

*Colebrooke August 2.*

1. 6 4 7.

Signed by the Appointment  
 of his EXCELLENCY  
 Sir THO: FAIRFAX,  
 and the Councell of Warre.

*To: Rushworth,*  
 Secretary.

The



The Heads of the PROPOSALLS  
 agreed upon by his *Ex<sup>cie</sup>* Sir THO: FAIRFAX,  
 and the Councell of the Army, to be tendred  
 to the Commissioners of Parliament, residing with  
*the Army, and with them to be treated on by the*  
*Commissioners of the Army.*

C O N T A I N I N G

The particulars of their desires in  
 pursuance of their former Declarations and  
 Papers : In order to the clearing and secu-  
 ring of the Rights and liberties of the Kingdome,  
*and the settling a just and lasting peace.*


To which are added some further particular de-  
 fires ( for the removing and redressing of divers  
 present pressing grievances ) being also comprized in,  
*or necessary pursuance of their former Representations*  
*and Papers appointed to be Treated upon.*

I.



That ( the things hereafter propo-  
 sed, being provided for by this Par-  
 liament ) a certain period may ( by  
 Act of Parliament ) be set for the  
 ending of this Parliament, ( such  
 period to be within a year at most, )  
 and in the same Act provision to be made for the suc-  
 cession

cession and constitution of Parliaments in future as followeth.

1.  That *Parliaments* may Biennially be called, and meet at a certaine day, with such provision for the certainty thereof, as in the late Act was made for *Triennial-Parliaments*, and what further or other provision shall be found needfull by the *Parliament*, to reduce it to more certainty; and upon the passing of this, the said Act for *Triennial-Parliaments* to be repealed.

2. Each Bienniall *Parliament* to sit 120. dayes certaine (unlesse adjourned, or dissolved sooner by their own consent) afterwards to be adjournable or dissolveable by the King; and no *Parliament* to sit past 240. dayes, from their first meeting or some other limited number of dayes now to be agreed on: upon the expiration whereof, each *Parliament* to dissolve of course, if not otherwise dissolved sooner.

3. The King upon advice of the Councell of State in the intervalls bewixt *Bienniall-Parliaments*, to call a *Parliament* extraordinary, provided it meet above seventie dayes before the next Bienniall day, and be dissolved at least sixtie dayes before the same, so as the course of Bienniall-elections may never bee interrupted.

4. That this *Parliament* and each succeeding *Bienniall-Parliament*, at, or before adjournment, or dissolution thereof, may appoint Committees to continue during the intervall, for such purposes as are in any of these Proposals refer'd to such Committees.

5. That the Elections of the Commons for succeeding *Parliaments*, may be distributed to all Counties, or other parts or divisions of the Kingdome, according to some rule of equality or proportion, so as all Counties may have a number of *Parliament* Members allowed to their choice, proportionable to the respective Rates they beare in the common charges, and burthens of the Kingdome, according to some other rule of equality

or

or proportion, to render the House of Commons, (as neere as may be) an equall Representative of the whole, and in order thereunto, that a present consideration be had to take off the Elections of Burgeses, for poore decayed, or inconsiderable Townes, and to give some present addition to the number of *Parliament* Members for great Counties, that have now lesse then their due proportion, to bring all (at present) as neere as may be, to such a rule of proportion, as aforesaid.

6. That effectuall provision be made for future freedome of Elections, and certainty of due returnes.

7. That the House of Commons alone have the power from time to time, to set downe further orders and rules for the ends expressed in the two last preceding Articles, so as to reduce the Elections of Members for that House, to more and more perfection of equality in the distribution, freedome in the Election, Order in the proceeding thereto, and certainty in the Returnes, which orders and rules (in that case) to be as Lawes.

8. That there be a liberty for entering dissents in the House of Commons with provision, that no Member be censurable for ought said or voted in the House, further then to exclusion from that trust, and that onely by the judgement of the House it selfe.

9. That the judiciaall power, or power of finall Judgement in the Lords and Commons (and their power of Exposition and Application of Law) (without further appeale) may be cleared: And that no Officer of Justice, Minister of State, or other person adjudged by them, may be capable of Protection, or pardon from the King, without their advice and consent.

10. That the Right and libertie of the Commons of *England*, may be cleared and vindicated, as to a due Exemption from any Judgement, Triall, or other proceeding against them by the House of Peeres, without the concurring Judgement of the House of Commons. As also from any other judgement, sentence, or proceeding against them, other then by their equalls, or according to the Law of the Land.



**I** The same Act to provide, that grand Jury-men may bee chosen by, and for severall parts or divisions of each County respectively, in some equal way (and not remaine as now at the discretion of an under-Sheriffe to be put on or off,) And that such Grand Jury-men for their respective Counties may at each Assize present the names of persons to be made Justices of Peace, from time to time, as the Country hath neede for any to be added to the Commission, and at the summer Assize to present the names of three persons out of whom the Kinge may prick one to bee Sheriffe for the next yeare.

**II.** For the future security to Parliaments and the Militia in generall in order thereunto, that it be provided by Act of Parliament.

**1** That the power of the Militia by Sea and Land during the space of ten yeares next ensuing shall be ordered and disposed by the Lords and Commons Assembled, and to bee Assembled in the Parliament or Parliaments of England, or by such persons as they shall nominate and appoint for that purpose from time to time during the said space.

**2** That the said power shall not be ordered, disposed, or exercised by the Kings Majesty that now is, or by any person or persons by any Authority derived from him, during the said space, or at any time hereafter by his said Majesty, without the advice and consent of the said Lords and Commons, or of such Committees, or Council in the intervals of Parliament as they shall appoint.

**3** That during the same space of ten yeares, the said Lords and Commons may by Bill or Ordinance raise and dispose of what monies, and for what Forces they shall from time to time finde necessary, as also for payment of the publick debts and damages; and for all other the publick uses of the Kingdome.

**4** And to the end the temporary security intended by the three particulars last precedent may bee the better assured it may therefore be provided,

That no Subjects that have beene in Hostility against the Parliament in the late warre shall be capable of bearing any Office of power or publick trust in the Common-wealth during the space of five

yeares without consent of Parliament or of the Councell of State, or to sit as Members or assistants of either House of Parliament untill the second Biennial Parliament be past.

III. For the present form of disposing the Militia in order to the peace and safety of this Kingdome and the service of Ireland.

1 That there be Commissioners for the admiralty with a Vice-Admirall and Rere-Admirall, now to bee agreed on, with power for the forming, regulating, appointing of Officers, and providing for the Navy, and for ordering the same, to and in the ordinary service of the Kingdom. And that there be a sufficient provision and establishment for pay and mayntenance thereof.

2 That there bee a Generall for command of the Land Forces that are to bee in pay both in England, Ireland, and Wales, both for Field and Garison.

3 That there be Commissioners in the severall Counties, for the standing Militia of the respective Counties (consisting of Trained Bands and Auxiliaries not in pay,) with power for the proportioning, forming, regulating, trayning, and disciplining of them.

4 That there bee a Councel of State with power to superintend and direct the severall, and particular powers of the Militia last mentioned for the peace and safety of this Kingdom, and of Ireland.

5 That the same Councell may have power as the Kings privy Councel, for and in all forraigne negotiations; provided, That the making of warre or peace with any other Kingdome or State shall not bee without the advice and consent of Parliament.

6 That the said power of the Councell of State bee put into the hands of trusty and able persons now to bee agreed on, and the same persons to continue in that power (si bene se gesserint,) for a certain Terme not exceeding seaven years.

7 That there bee a sufficient establishment now provided for the salary Forces both in England and Ireland, the establishment to continue untill two Moneths after the meeting of the first Biennial Parliament.

IV. That an Act be passed for disposing the great Offices for ten years by the Lords and Commons in Parliament, or by such Committees as they shall appoint for that purpose in the intervals,

valls, (with submission to the approbation of the next Parliament) and after ten years, they to nominate three, and the King out of that number to appoint one for the succession, upon any vacancy.

V. That an Act be passed for restraining of any Peers, made since the 21 day of May 1642. or to be hereafter made, from having any power to sit or Vote in Parliament, without consent of both Houses.

VI. That an Act be passed, for recalling and making voyd all Declarations and other proceedings against the Parliament, or against any that have acted by, or under their authority in the late Warre, or in relation to it. And that the Ordinances for indemnity may be confirmed.

VII. That an Act be passed for making void all Grants, &c. under the Great Seal, that was conveyed away from the Parliament, since the time that it was so conveyed away (except as in the Parliament's Propositions) and for making those valid that have been or shall be passed under the Great Seale made by the authority of both Houses of Parliament.

VIII. That an Act be passed for confirmation of the Treaties between the two Kingdomes of England and Scotland, and for appointing Conservators of the peace betwixt them.

IX. That the Ordinance for taking away the Court of Wards and Liveries be confirmed by Act of Parliament; Provided his Majesties Revenue be not damnified therein, nor those that last held Offices in the same left without reparation some other way.

X. An Act to declare void the Cessation of Ireland, &c. and to leave the prosecution of that Warre to the Lords and Commons in the Parliament of England.

XI. An Act to be passed to take away all coercive power, authority and jurisdiction of Bishops and all other Ecclesiasticall Officers whatsoever, extending to any civill penalties upon any; and to repeale all Laws, whereby the Civill Magistracy hath been, or is bound, upon any Ecclesiasticall censure to proceed (*ex officio*) unto any civill penalties against any persons so censured.

XII. That there be a repeale of all Acts, or Clauses in any Act,

Act, enjoying the use of the Book of Common Prayer, and imposing any penalties, for neglect thereof, as also of all Acts or Clauses in any Act, imposing any penalty for not coming to Church, or for meetings elsewhere, for prayer, or other religious duties, exercises or Ordinances, and some other provision to be made for disabling of Papists, and Popish Recusants, and for disabling of them, and of all Jesuites, or Priests, from disturbing the State.

XIII. That the taking of the Covenant be not enforced upon any nor any penalties imposed upon the Refusers, whereby men might be constrained to take it against their judgements, or consciences, but all Orders or Ordinances tending to that purpose to be repealed.

XIV. That (the things here before proposed, being provided, for settling and securing the Rights, Liberties, Peace, and safety of the Kingdome,) his Majesties person, his Queen, and Royall issue, may be restored to a condition of safety, Honour, and freedome in this Nation, without diminution to their personall Rights, or further limitation to the exercise of the Regall power then according to the particulars aforegoing.

XV. For the matter of Compositions.

*1. That a lesse number out of the persons excepted in the two first qualifications, (not exceeding five for the English,) being nominated particularly by the Parliament, who (together with the persons in the Irish Rebellion, included in the third qualification,) may be reserved to the further judgement of the Parliament, as they shall finde cause, All other excepted persons may be remitted from the exception, and admitted to Composition:*

*2. That the rates for all future Compositions may be lessened and limited, not to exceed the severall proportions hereafter exprest respectively: That is to say.*

*1. For all persons formerly excepted, not above a third part.*

*2. For the late Members of Parliament, under the first branch of the fourth qualification in the Propositions, a fourth part.*

*3. For other Members of Parliament, in the second and third branches of the same qualification, a sixth part.*

*4. For*



4. For the persons nominated in the said fourth qualification, and those included in the tenth qualification, an eighth part.

5. For all others included in the sixth qualification, a tenth part.

And that reall Debts, either upon Record, or proved by Witnessees, be considered and abated in the valuation of their estates in all the cases aforesaid.

3. That those who shall hereafter come to compound, may not have the Covenant put upon them, as a condition without which they may not compound, but in case they shall not willingly take it, they may passe their Compositions without it.

4. That the persons and Estates of all Engli sh, not Worth two hundred pounds in Lands or Goods, be at liberty and discharged: And that the Kings meniall Servants, that nere took up Arms, but onely attended his Person according to their Offices, may be freed from Composition, or to pay (at most) but the proportion of one yeares Revenue, or a twentieth part.

5. That in Order to the making and perfecting of Compositions at the rates aforesaid, the Rents, Revenues, and other Dues, and Profits of all sequestred Estates whatsoever, (except the Estates of such persons who shall be continued under exception as before) bee from henceforth suspended and detained in the hands of the respective tenants, occupiers, and others from Whom they are due, for the space of six moneths following.

6. That the Faith of the Army, or other forces of the Parliament, given in Articles upon surrenders to any of the Kings party, may be fully made good, and where any breach thereof shall appeare to have been made, full reparation and satisfaction may be given to the parties injured, and the persons offending (being found out) may be compelled thereto.

XVI. That there may be a generall Act of Oblivion to extend unto all (except the persons to bee continued in exception as before) to absolve from all Trespasses, Misdemeanours, &c. done in prosecution of the Warre, and from all trouble or prejudice for or concerning the same (after their compositions past) and to restore them to all priviledges &c. belonging to other Subjects, provided, as in the fourth particular under the second generall head afore-going concerning security.

And whereas there have beene of late strong indeavours and practices of a factious and desperate party, to imbroyle this Kingdome in a new warre, and for that purpose to induce the King, the Queene, and Prince, to declare for the said party, and also to excite and stirre up all thole of the Kings late party to appeare and ingage for the same, which attempts and designs, many of the Kings party, ( out of their desires to avoid further misery to the Kingdome, ) have contributed their indevours to prevent, ( as for divers of them wee have had particular assurance. ) we doe therefore desire, that such of the Kings party who shall ppeare to have expressed, and shall hereafter expresse that way their good affections to the peace and welfare of the Kingdome, and to hinder the imbroyling of the same in a new warre, may bee freed and exempted from compositions, or to pay but one yeares Revenue or a twentieth part:

These particulars foregoing are the Heads of such proposals as wee have agreed on, to tend in order to the settling of the peace of this Kingdome, leaving the Termes of peace for the Kingdome of Scotland to stand as in the late propositions of both Kingdomes untill that Kingdome shall agree to any alteration

Next to the proposals aforesaid for the present settling of a peace, wee shall desire, that no time may be lost by the Parliament for dispatch of other things tending to the welfare, ease and just satisfaction of the Kingdome, and in speciall manner:

1. *That the just and necessary liberty of the people to represent their grievances and desires by Way of Petition, may be cleared and vindicated, according to the fifth Head in the late Representation or Declaration of the Army sent from St. Albans.*

2. *That (in pursuance of the same Head in the said Declaration) the common grievances of the people, may be speedily considered of, and effectually redressed, and in particular:*

1. *That the Excise may bee taken off from such Commodities wherean the poore people of the Land doe ordinarily live: and a certain time to be limited for taking off the whole.*

2. *That*

2. That the oppressions and incroachments of Forreſt-Laws may be prevented for future.

3. All Monopolies (old or new) and reſtraints to the freedom of trade to be taken off.

4. That a courſe may be taken, and Commiſſioners appointed to remedy and rectifie the inequality of rates lying upon ſeverall Counties, and ſeverall parts of each County, in reſpect of others, and to ſettle the proportions for Landrates to more equality throughout the Kingdom, in order to which we ſhall offer ſome further particulars, which we hope may be uſefull.

5. The preſent unequal troubleſome and contentious Way of Miniſters maintenance by Tythes, to be conſidered of, and ſome remedy applyed.

6. That the rules and courſe of Law, and the Officers of it, may be ſo reduced and reformed, as that all ſuits and queſtions of Right may be more cleere and certaine in the iſſues, and not ſo tedious nor chargeable in the proceeding as now, in order to which we ſhall offer ſome further particulars hereafter.

7. That Priſoners for Debt, or other Creditors (Who have Eſtates to diſcharge them) may not by embracing impriſonment or any other wayes have advantage to defraud their creditors, but that the Eſtates of all men may be ſome way made liable to their Debts, (as well as Tradeſmen are by Commiſſions of Bankrupt) whether they be impriſoned for it, or not. And that ſuch priſoners for Debt, Who have not wherewith to pay, or at leſt doe yeeld up what they have to their Creditors, may be freed from impriſonment, or ſome way provid'd for, ſo as neither they nor their Families may periſh by their impriſonments.

8. Some proviſion to be made, that none may be compell'd by penalties or otherwiſe to anſwer unto queſtions tending to the accuſing of themſelves, or their neereſt Relations in criminall cauſes; And no mans life to be taken away under two witneſſes.

9. That conſideration may be had of all Statutes, and the Laws or Cuſtomes of Corporations, impoſing any Oathes, either to repeale, or elſe to qualifie and provide againſt the ſame, ſo farre as they may extend or be conſtrued to the moleſtation or enſlaving of religious and peaceable people, meerly for non-conformity in Religion.

3. That

3. That according to the sixt Head in the Declaration of the Army, the large powers given to Committees or Deputy Lieutenants during the late times of warre and distraction, may be speedily taken into consideration, to be recalled and made void, and that such powers of that nature as shall appeare necessary to be continued, may be put into a regulated way, and left to as little Arbitrarinesse as the nature and necessity of the things (wherein they are conversant) will beare.

4. That (according to the seventh Head in the said Declaration) an effectuall course may be taken, that the kingdome may be righted and satisfied in point of Accounts for the vast summes that have been levied.

5. That provision may be made for payment of Arrears to the Army, and the rest of the Souldiers of the kingdome, who have concurred with the Army in the late desires and proceedings thereof: And in the next place, for payment of the publique debts and damages of the kingdome, and that to bee performed, first to such persons whose debts or dammages (upon the publick Account) are great, and their estates small, so as they are thereby reduced to a difficulty of subsistence; In order to all which, and to the fourth particular last preceding, we shall speedily offer some further particulars, (in the nature of rules) which we hope will be of good use towards publick satisfaction.

August 1. 1647.

*Signed by the appointment of his Excellency Sir Tho. Fairfax, and the Councell of Warre.*

Jo. Rushworth, Secret.

FINIS.